

**ORDINANCE
2004-19**

AN ORDINANCE MODIFYING THE LAND DEVELOPMENT CODE
REGULATIONS ON COMMERCIAL TOWERS AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, The Walton County Board of County Commissioners has determined that the Walton County Land Development Code requires revision to encourage wireless telephone service providers to facilitate collocation of their facilities, per F.S 365.172, “Wireless Emergency Communications Act”,

WHEREAS, the present Land Development Code language is deemed to be archaic and not representative of present state statutes,

WHEREAS, to protect residential areas and land uses from potential adverse impacts of communication towers,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, that

Section 1. The Walton County Land Development Code is hereby amended as follows.

Deletions are in ~~strikethrough~~ Additions are underlined.

5.07.09 Tall Structures. In land use districts where towers are permitted, structures in excess of one hundred feet (100’) will be required to obtain determination of “No Hazard to Aviation” from the Federal Aviation Administration. This determination documentation must be submitted as a part of the application for development approval for the tower.

A. Commercial Towers. This section applies to communication towers that support any antennas designed to receive or transmit electromagnetic energy, such as, but not limited to, telephone, television, radio, or microwave transmissions.

1. A tower in excess of one hundred feet (100’) above natural grade shall not be approved unless the applicant demonstrates that no existing or approved tower of equal or greater height within the effective radius can accommodate the applicant’s proposed antenna and ancillary equipment. Towers owned or leased to any government are exempt from these shared use provisions.
2. All new commercial towers shall be located a minimum distance of the tower height from all property lines., except where residential development on the adjacent property is prohibited for any reason. In this case, setbacks will adhere to Section 5.00.03 (4).
3. All new tower bases, outdoor equipment, accessory buildings and accessory structures erected for use in connection with commercial towers shall be required to be located within a commercial style chain-link or privacy fence at least six (6) feet in height. The fence shall be visually screened by trees, large shrubs, and existing vegetation. The owner of the tower will be responsible for the maintenance of all required landscaping for the life of the tower. Guy anchors are required to be individually enclosed with a fence.

4. Rooftop communication towers may be developed in accordance with Ordinance 99-1 Wireless Communication Facilities.
- & Any proposed increase in height for an existing tower must comply with ~~a11 requirements of this section~~, the review standards in accordance with Section 11.01.05 Minor Development Plans.
6. All proposed communication towers are conditional uses, ~~and subject to determination of suitability of location by the Board of County Commissioners~~ and are subject to major development review standards.
7. Camouflage towers (i.e., flagpoles, bell/clock towers) and rooftop wireless communication facilities are allowed in all land use districts. Self-support, monopole, and guyed wire towers are allowed in agricultural, industrial, commercial, and rural land use categories. Applications for self-support, monopole, and guyed towers will be considered in other land use categories on a case-by-case basis.
8. A map of existing towers with the number of available co-location heights of each tower, within a five (5) mile radius will be required as a support document to the major review process.
9. The County shall grant or deny a properly completed development order application for the siting of a new wireless tower (ground build) within ninety (90) business days after the date the properly completed development order application is initially submitted in accordance with the County's development order application procedures.

B. Exemptions: Amateur Radio antennas shall conform to the Federal Communication regulations and are pre-exempted from requirements of this Code regarding placement, screening and height pursuant to Section 125.561, Florida Statutes.

5.07.10. Rooftop Wireless Communication Facilities.

Commercial Communication Facilities Not Located on Communication Towers. This section applies to wireless communication facilities other than those addressed in Section 5.07.09 of the Walton County Land Development Code. The wireless communication facilities addressed this section would be for commercial purposes, for facilities designed to receive or transmit electromagnetic energy, such as, but not limited telephone, television, radio, or microwave transmissions.

A. Definitions.

Antenna Array. One or more whips (panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (disc)).

Attachment Structure. An existing or proposed building or structure, including, but not limited to, buildings, towers, utility poles, signs, and towers. Notwithstanding the foregoing, an attachment structure shall not be a residential building if such building is less than twenty (20)

Attached WCF. A wireless communication facility that is attached on the top or side of an attachment structure.

Equipment Facility. Any structure used to contain ancillary equipment for a wireless communication facility that includes cabinets, shelters, buildup of an existing structure, pedestals and other similar structures.

FAA. The Federal Aviation Administration of the United States of America. **FCC.** The Federal Communications Commission of the United States of America.

Wireless Communications. Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile (SMR), enhanced special mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless Communication Facility (WCF). Any unstaffed facility for the transmission and/or reception of wireless communication services, consisting of an antenna array, transmission cables, & an equipment facility.

B. Development Standards and & Building Permits Permitting Process.

1. WCFs shall be allowed in all land use districts.
2. WCFs shall not exceed the height of twenty (20) feet above the highest roofline of the attachment structure or twenty-five (25) feet above point of attachment to said attachment structure, whichever is more restrictive.
3. The number of carriers on attachment structures less than or equal to fifty (50) feet in height shall be limited to five (5). There shall be no limitation to the number of carriers on attachment structures greater than fifty (50) feet in height.
4. The antenna array shall not extend into the airspace above any public right-of-way, nor extend any closer than ten (10) feet to the boundary the lot on which the attachment structure is located.
5. The equipment facility, when located on the ground, shall meet the setback requirements stated in the current Land Development Code.
6. The attached WCF shall be placed to minimize its visibility from adjacent streets.
7. The attached WCF shall not be located within the boundaries of a national register historic district.
8. The antenna array shall be and will remain in compliance with current FAA/FCC standards concerning radio frequency emissions.
9. The attachment structure shall be structurally capable of supporting the attached WCF.
10. WCF shall not be artificially lighted except to assure human safety as required by FAA/FCC.
11. WCFs not requiring FAA/FCC paintings/markings shall have either a galvanized finish or be painted a non-contrasting color to minimize its visual impact.

12. The applicant shall provide evidence that the proposed WCF is in compliance with FM/FCC regulations. When the WCF will not exceed the highest point of the existing attachment structure upon which it is to be mounted, such evidence is not required.
13. All WCFs shall be required to meet ~~the minimum~~ windload standards specified in the current adopted Southern Standard Building Code and shall be permanently affixed to the supporting attachment structure.
14. Use of any portion of a WCF for signs or advertising purposes shall be prohibited. Markings by the manufacturer or owner to signify ownership are exempt if the markings are visible only from the roof and not to the public.
15. ~~The applicant will be required to obtain a development order for a WCF, with appropriate application and documentation as required by the Planning Director, including, but not limited to written approval from the property owner. The applicant shall be required to provide a letter of~~
16. ~~no objection from affected utilities, i.e. electrical, telephone, cable, etc. All WCFs shall be designated as major projects and shall be required to be reviewed and approved by the Planning Commission and the Board of County Commissioners. Collocated antennae (WCFs) that do not increase the height of the existing tower, structure or building (to include roofline) shall be reviewed and approved as a building permit. The applicant will be required to provide approval from the property owner via written approval (notarized affidavit) or recorded agreements.~~
17. New antennae and related equipment that are collocated and increases the height of the tower, structure, or building (including roofline) shall be submitted and reviewed in accordance with Section 11.01.05(A) Minor Development Plans, Land Development Code.
18. All drawings, site plans, and construction plans submitted as part of a development order-application or building permit application shall be ~~stamped~~ sealed by a professional engineer licensed in the State of Florida, certifying compliance to the applicable building codes.
19. The County shall grant or deny a properly completed application for collocation within forty-five (45) business days after the properly completed application is initially submitted in accordance with the County's review procedures.

B. Exemptions.

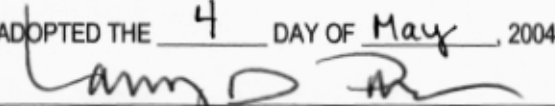
1. Amateur radio antennas shall conform to the Federal Communication regulations and are ~~preexempted~~ pre-exempt from requirements of this Code regarding placement, screening, and height, pursuant to F.S. § 125.561.

2. Residential: the requirements contained in this Code do not apply to radio/television antennas erected by a private property owner for their own personal use.

C. Maintenance.

1. Owners of the WCF shall at all times employ ordinary and reasonable care as follows:
 - a. Owners shall install, maintain, and use nothing less than accepted industry methods and devices for preventing failures and accidents, which likely would cause damage, injuries, or nuisances to the public.
 - b. Owners shall install and maintain WCFs in substantial compliance with the National Electric Safety Code and all FAA, FCC, state and local regulations.
 - c. At all times, WCFs must be kept and maintained in good condition, order and repair so that same shall not menace or endanger life or property of any person.
 - d. The owner of the WCF must provide to the County written notice of intent to discontinue use or cease operations, and date to be discontinued.
 - e. The WCF will be deemed abandoned after discontinuance of use for 180 consecutive days. If there are two or more users of a single WCF, this provision shall not become effective until all users cease use the WCF. The WCF owner shall take one of the following actions within 90 days of the date the WCF is deemed abandoned:
 - i. Reactivate the use of the WCF.
 - ii. Transfer the WCF to another owner/operator who will actively use the WCF.
 - iii. Dismantle/remove the WCF.
 - f. Abandoned WCFs may be removed by the County at the owner's expense if the actions set forth in subsection e. are not carried out within the time limits specified.
2. County officials/agents shall have the authority to enter onto property to inspect for purpose of determining whether the WCF complies with all applicable laws and regulations.
3. The County reserves the right to conduct inspections at any time, upon reasonable notice to owner of the WCF. All expenses relating to such inspection shall be borne by the owner of the WCF.
4. Violations of the development approval issued for a wireless communication facility and/or non-maintenance of a wireless communication facility shall be subject to notice of violation and corrective measures per the code enforcement requirements of the Land Development Code. Violations ~~which~~ that continue more than 30 days shall be subject to corrective action as specified in the code enforcement requirements of the Land Development Code and may be subject to but not limited to revocation of the development order for the Wireless Communication Facility in violation. (Ord. No.99-1, 3-9-99)

Section 2. In accordance with 125.66, Florida Statutes, a certified copy of this ordinance shall be filed with the Department of State by the clerk of the Board of County Commissioners within ten (10) days after enactment by said Board and shall take effect upon receipt of official acknowledgement from that office that said ordinance has been filed.

ADOPTED THE 4 DAY OF May, 2004


Larry Jones, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

ATTEST:
